

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	May 21, 2007
Docket Number:	0705-VS-013
Appellant:	Orville & Darlene Viles
Property Address:	16199 Joliet Road
Variance Request:	WC 16.04.030, B5 Minimum Road Frontage in AG-SF1

EXHIBITS

1. Staff Report	05/21/2007
2. Aerial Location Map, Zoning Map & Existing Land Use Map	05/21/2007
3. Proposed Future Parcel Configuration (Conceptual)	05/21/2007
4. Property Card	05/09/2007
5. Staff Report and Letter of Grant (97-V-51)	11/19/1997
6. Appellant's Application and Plans	04/05/2007

RELATED CASES

97-V-51 Minimum Road Frontage – approved variance

VARIANCE REQUEST

The Appellant is requesting a variance of standard (0705-VS-013) to reduce the minimum road frontage standard on the subject property (herein referred to as "Parcel A", for the purposes of this report) (see Exhibit 3). The subject property is located in the AG-SF1 District (WC 16.04.030, B5).

The intent would be to split Parcel A, thus creating Parcel C and Parcel D (as depicted in Exhibit 3) (*it should be noted that the proposed parcel delineations in Exhibit 3 are conceptual and are included for illustrative purposes only*). Parcel D would be joined with the property located at 16217 Joliet Road (herein referred to as "Parcel B", for the purposes of this report), thus creating "Parcel E" (see Exhibit 3).

The principles behind the minimum road frontage standard of 250 feet in the AG-SF1 District help ensure large-lot development, limit the number of driveway cuts on the road network, and provide road access to all properties for emergency purposes. The subject property (Parcel A) exceeds the minimum lot size requirement for a lot in the AG-SF1 District. The proposed Parcel C would also exceed the minimum lot size requirement for a lot in the AG-SF1 District. Parcel A does not currently utilize its existing road frontage for access purposes. The portion of the

driveway for Parcel A that intersects with Joliet Road is not located on Parcel A, and no record of an existing, legal access easement accompanied the submitted application. For the purposes of this report, it will be assumed that an access easement for the current driveway leading to Parcel A has not been legally established.

PROPERTY INFORMATION

Parcel A is located at 16199 Joliet Road (see Exhibit 2) and is approximately 10.5 acres in size (see Exhibit 4). The subject property is located on the east side of Joliet Road and is approximately 1,370 feet south of 166th Street. The property is zoned AG-SF1. Currently, the subject property is improved with a single-family residence (see Exhibit 2). As is shown on the Aerial Location Map (see Exhibit 2), Parcel A is currently accessed by a driveway that runs along the southern-most property line.

The site is bounded by a mixture of single-family residential uses and agricultural uses (see Exhibit 2). Property on all sides is also zoned AG-SF1. The site does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On November 17, 1997, the Westfield-Washington Township Board of Zoning Appeals granted a variance of standard that reduced the road frontage standard for Parcel A from 250 feet to approximately 236 feet (according to the plans on file for 97-V-51) (see Exhibit 5). According to the Letter of Grant that was issued for the property, there were no additional commitments or conditions of approval associated with the land.

FINDINGS

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: The submitted proposal for a variance of standard could be injurious to public health, safety, or general welfare of the community. Parcel A does not currently utilize its existing road frontage for access purposes. Parcel C would utilize the existing driveway for Parcel A. However, since an access easement has not been legally established for the existing driveway, all access (including emergency access) to Parcel C could be jeopardized in the future. With no assurance that current access will be maintained to Parcel C, removing the road frontage could be harmful to the community.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: The submitted proposal for a variance of standard could have a substantially adverse effect on the use and value of the adjacent surrounding area. Since Parcel A currently does not utilize its road frontage for access, and since a legally-established access easement does not exist, removing the road frontage from Parcel A could adversely impact the way in which the property would be used in the future. An inaccessible piece of property could adversely impact the use and value of the surrounding area.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: As proposed, a nonconforming lot (Parcel C) would be created by the property owner. Parcel C would be completely inaccessible from Joliet Road without a legal method of establishing access.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

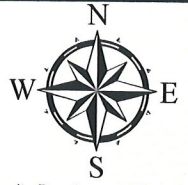
RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following conditions would be appropriate:

1. That in order for Parcel C to be considered conforming, an access easement be legally established for the current driveway.
2. That in order for Parcel C to be considered conforming, the legally-established access easement be maintained and operable.
3. That no further subdivision of Parcel C occur.
4. That in order for any future modifications to occur on Parcel B or Parcel D, they be legally combined to create a single parcel (Parcel E; see Exhibit 3).



0705-VS-013
08-09-07-00-00-010-102
16199 Joliet Rd.
Exhibit 2



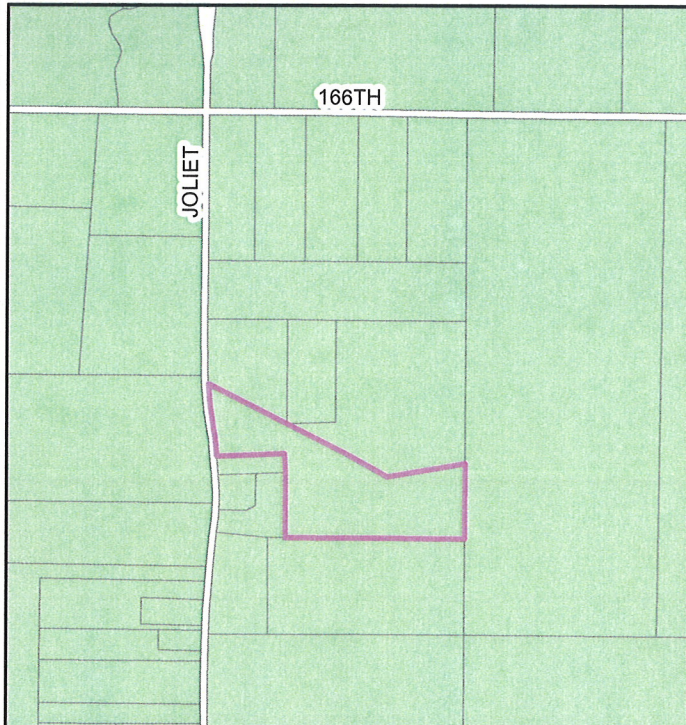
Community Development Department

Aerial Location Map

 Site

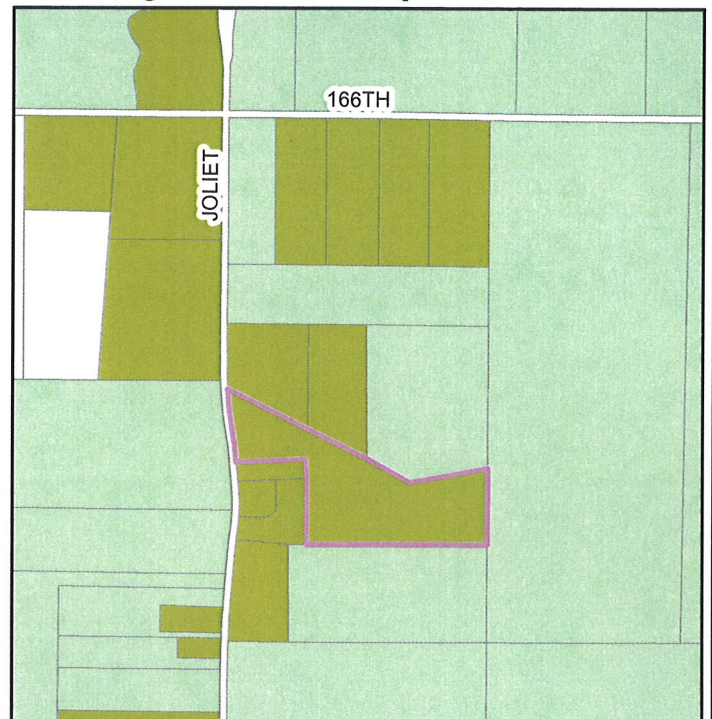


Zoning Map



 Agriculture Single Family 1

Existing Land Use Map



 Agriculture
 Residential Non-urban
 Vacant



0705-VS-013
08-09-07-00-00-010-102
16199 Joliet Rd.
Exhibit 3



Community Development Department

Aerial Location Map - Existing

Parcel A Parcel B



Aerial Location Map - Proposed

Parcel B Parcel C Parcel D Parcel E



EXHIBIT 4

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-09-07-00-00-010.102**Property Data**

Parcel Location	16199 JOLIET RD, WESTFIELD
Taxing Unit	Washington
Legal Description	9/2/97 SPLT FR 010.002 FR A VILES 9736170
Section/Township/Range	S07 T18 R03
Subdivision Name	
Lot and Block	Lot Block
Acres	10.53
Effective Frontage	
Effective Depth	
Property Class	House Trailer

Exterior Features and Out Buildings

1 Lean-To, 1 Mobile Home, 1 Utility Shed,
1 Enclosed Frame Porch, 1 Wood Deck,

Property Owner as of April 29, 2006

Orville O & Darlene C Viles

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	80700
Assessed Value: Improvements	57200
Total Assessed Value:	137900

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	none
Year Built	1997

Floor Construction**Floor Finish****Exterior Cover****Interior Finish****Accommodations**

Finished Rooms	6
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
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Garage

Garage Type

Garage Square Footage

0

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97-V-51

Zoned AG-SF1

16199 Joliet Road. A variance of frontage requirement, to permit the erection of a single family residence as per plans filed, is requested by Orville and Darlene Viles.

COMMENTS:

1. At the present time, there are two existing residences and a non-conforming, single-wide mobile home located on tracts along Joliet Road. The properties are owned by various members of the same family. With this request, the petitioners wish to install a 27' X 56' manufactured residence in the area behind the existing structures. The proposed site is approximately 9 acres in size and surrounds the sides of the existing structures along their east and north sides. The subject property has 235.9' of frontage along Joliet Road, between the George Gardner Regulated Drain and the first house to the south, along the east side of Joliet Road.
2. The uses permitted in the AG-SF1 district are listed in "CHAPTER 4. ZONING, Section 16.04.030, RESIDENTIAL DISTRICTS - B. Agricultural -Single Family Rural (page 32), of the Basic Code of Ordinances of the Town of Westfield, Hamilton County, Indiana." "SINGLE FAMILY DWELLINGS", and "ACCESSORY BUILDINGS AS RELATED TO AGRICULTURE OR SINGLE FAMILY RESIDENTIAL USE", are listed as being permitted in that zoning classification.
3. "Section 16.04.090 MOBILE HOMES, MANUFACTURED HOMES, MOBILE HOME PARKS, 2. Manufactured Homes, b) (pages 111-112)" of the same code outlines the ordinance provisions for manufactured homes on individual lots.
4. "Section 16.04.030 RESIDENTIAL DISTRICTS, B. Agricultural - Single Family (page 34)" of the same code sets forth the "Minimum Lot Frontage on Road" requirement :
 - "A. Three acre lots - A minimum of 250 foot frontage
 - B. Lots in subdivisions - 60 feet on cul-de-sac
- 100 feet on other lots"
5. Because the proposed homesite has only 235.9' of frontage, where 250' of frontage is the requirement, this petition for variance is made.
6. The subject property is not served by a water or sewer utility. As a result, permits for the well and the septic system will need to be secured from the Hamilton County Health Department.
7. Joliet Road is under the jurisdiction of the Hamilton County Highway Department. A permit from that agency must be issued for new cuts onto county roads.

RECOMMENDATIONS:

1. The proposal lacks approximately 15' of the required 250' of frontage but meets all the other developmental standards of the AG-SF1 zoning classification. Approval is recommended.
2. If an existing driveway is to provide access to the new homesite, an agreement for its use and continued maintenance should be prepared and recorded for the properties involved.

DETERMINATION: POSSIBLE MOTIONS

Grant approval of the variance, as filed.

OR

Grant approval of the variance, as filed,
subject to conditions (list conditions).

OR

The following changes must be made (or considered)
before approval will be given: (list changes).

OR

Deny this request per ordinance provisions as outlined in
16.04.170 Board of Zoning Appeals, E-3 (page 141-142).

ANY AND ALL CONDITIONS MUST BE MADE PART OF A MOTION IN ORDER
FOR THE CONDITION TO BECOME PART OF THE ACTION.

11/17/97 MTG

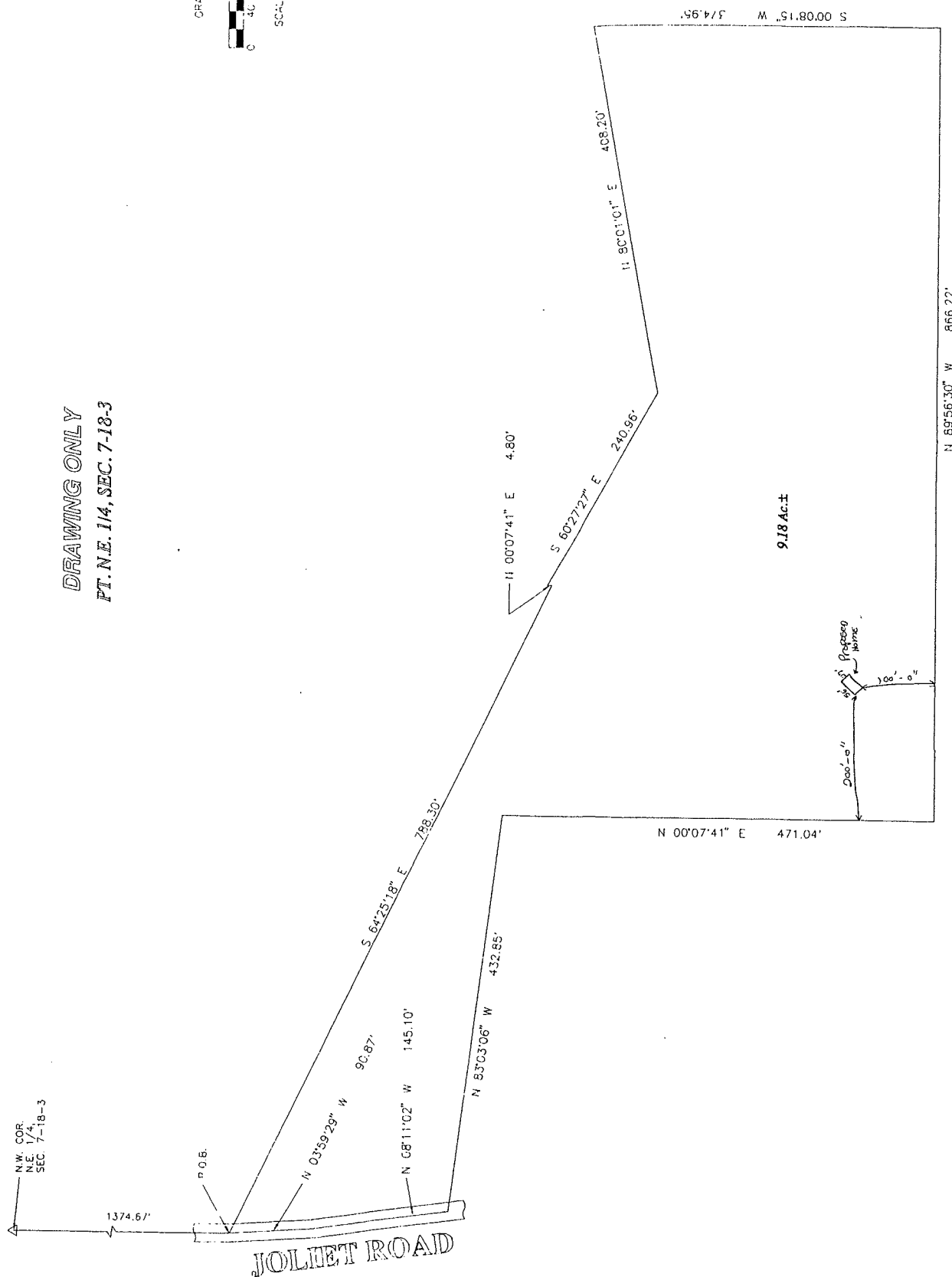
N.W. COR.
N.E. 1/4,
SEC. 7-18-3

1374.67'

CRADVIC SCA.,



5555



9.18 Ac.±

N 89°56'30" W 866.22'

REVISIONS

REV DATE	BY
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Edward D. Miller Jr.

MILLER SURV:

948 CONNER ST.
NORLEWILLE INDIANA
Ph # (317) 223-2244 FAX

LOCATION: PT. N.E. 1/4, SECTION 7, 18-3
HAMILTON COUNTY, INDIANA

#G\STF\92-4594 P10600 Tue Oct 07 11:11:44 1997

David C. Lee

TOWN OF WESTFIELD



COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
PLAN COMMISSION

BUILDING COMMISSIONER
JOHN C. (JACK) WHITE

November 19, 1997

Don Welton Homes
6634 East N005
Marion, IN 46953

Attention: Valerie

Dear Madam:

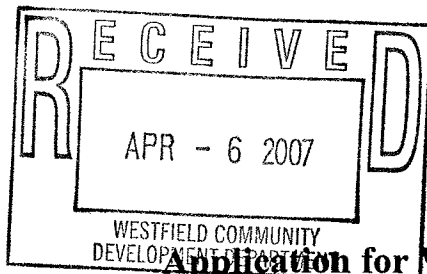
The Westfield-Washington Township Board of Zoning Appeals met on November 17, 1997, at the Westfield Town Hall to review case number 97-V-51: a variance of frontage requirement to permit the erection of a single family residence, as per plans filed, at 16199 Joliet Road. A motion was made and seconded to approve the variance as presented. The motion carried with the vote of Yes-5; No-0; and Abstain-0.

Please contact the Westfield Community Development Department when you wish to have a permit issued. Any questions regarding this case may be directed to me.

Sincerely,

Sue Ellen Johnson, Secretary
Westfield-Washington Township
Board of Zoning Appeals

EXHIBIT 6



TOWN OF WESTFIELD, INDIANA

Petition Number:

Date of Filing:

0705-VS-013
04/06/07

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Orville + Darlene Viles
 Address 16199 Joliet Rd
Westfield, In 46074
 Telephone Number 317.896.2272
 E-Mail Address _____
2. Landowner's Name Orville + Darlene Viles
 Address _____
 Telephone Number _____
3. *Representative Michael Wright
 *Address 16851 Lowell Dr.
Noblesville, In 46060
 *Telephone Number 317.223.4587
 *Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
16199 Joliet Road Westfield, In

5. Legal description of property (list below or attach)
Attached

6. Complete description of the nature of the development standard variance applied for:
Mc 16.04.030 B 5
Minimum Lot Frontage on Road

TOWN OF WESTFIELD, INDIANA

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

There will be NO quantifiable Affect to the public health, safety, morals, And general welfare of the community. They will only be Aware of this Change Based upon public notice

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

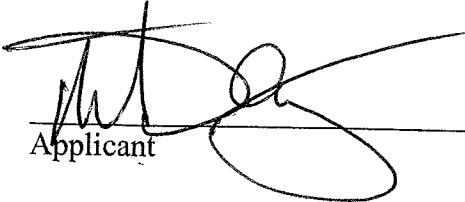
There will be NO quantifiable affect on Surrounding Area. Furthermore there will be no additional improvements or use to the property. Change of ownership of this land will only affect the two landowners.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

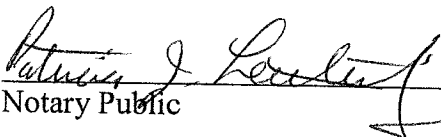
There Area of land to be divided off is undevelopable and most flood. It can not be used for Access. Also this will make the property At 16217 Jolietville Rd. A conforming property

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant

SUBSCRIBED AND SWORN TO ME THIS 6th DAY OF April, 20 07


Notary Public

My commission expires: 3/13/08

Established 1971

MILLER SURVEYING, INC.

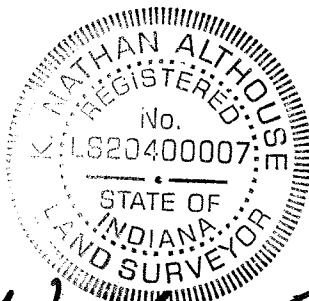
LAND SURVEYING AND ENGINEERING

948 Conner Street • Noblesville, Indiana 46060

(317) 773-2644 • FAX (317) 773-2694 • 1-800-886-2644

JOB #B31463

A PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 3 EAST SAID POINT BEING SOUTH 00 DEGREES 07 MINUTES 41 SECONDS WEST (ASSUMED BEARING) 1374.67 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF A 4.00 ACRE TRACT OF REAL ESTATE RECORDED IN DEED RECORD 274 PAGE 42 IN THE RECORDS OF HAMILTON COUNTY, INDIANA: THENCE SOUTH 64 DEGREES 25 MINUTES 18 SECONDS EAST 421.21 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 64 DEGREES 25 MINUTES 18 SECONDS EAST 367.09 FEET ON AND ALONG THE SOUTH LINE OF SAID 4.00 ACRE TRACT OF REAL ESTATE RECORDED IN DEED RECORD 296 PAGE 653 IN THE RECORDS OF HAMILTON COUNTY, INDIANA TO THE SOUTHEAST CORNER OF SAID SECOND 4.00 ACRE TRACT OF REAL ESTATE; THENCE NORTH 00 DEGREES 07 MINUTES 41 SECONDS EAST 4.80 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER AND ON AND ALONG THE EAST LINE OF SAID SECOND 4.00 ACRE TRACT OF REAL ESTATE; THENCE SOUTH 60 DEGREES 27 MINUTES 27 SECONDS 240.96 FEET; THENCE NORTH 80 DEGREES 01 MINUTES 01 SECOND EAST 408.20 FEET TO THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 08 MINUTES 15 SECONDS WEST 374.95 FEET ON AND ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 56 MINUTES 30 SECONDS WEST 910.53 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 41 EAST 309.24 FEET TO THE SOUTHEAST CORNER OF A 0.837 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT #7057 AND RECORDED IN DEED RECORD 307 PAGE 482 IN THE RECORDS OF HAMILTON COUNTY, INDIANA; THENCE NORTH 05 DEGREES 45 MINUTES 38 SECONDS WEST 265.27 FEET TO THE POINT OF BEGINNING. CONTAINING 8.31 ACRES MORE OR LESS



K. Nathan Althouse

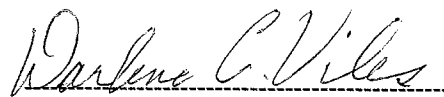
We give permission for Michael Wright to discuss any and all matters dealing with the variance for
16199 Joliet Rd.
Phone # 896 2272

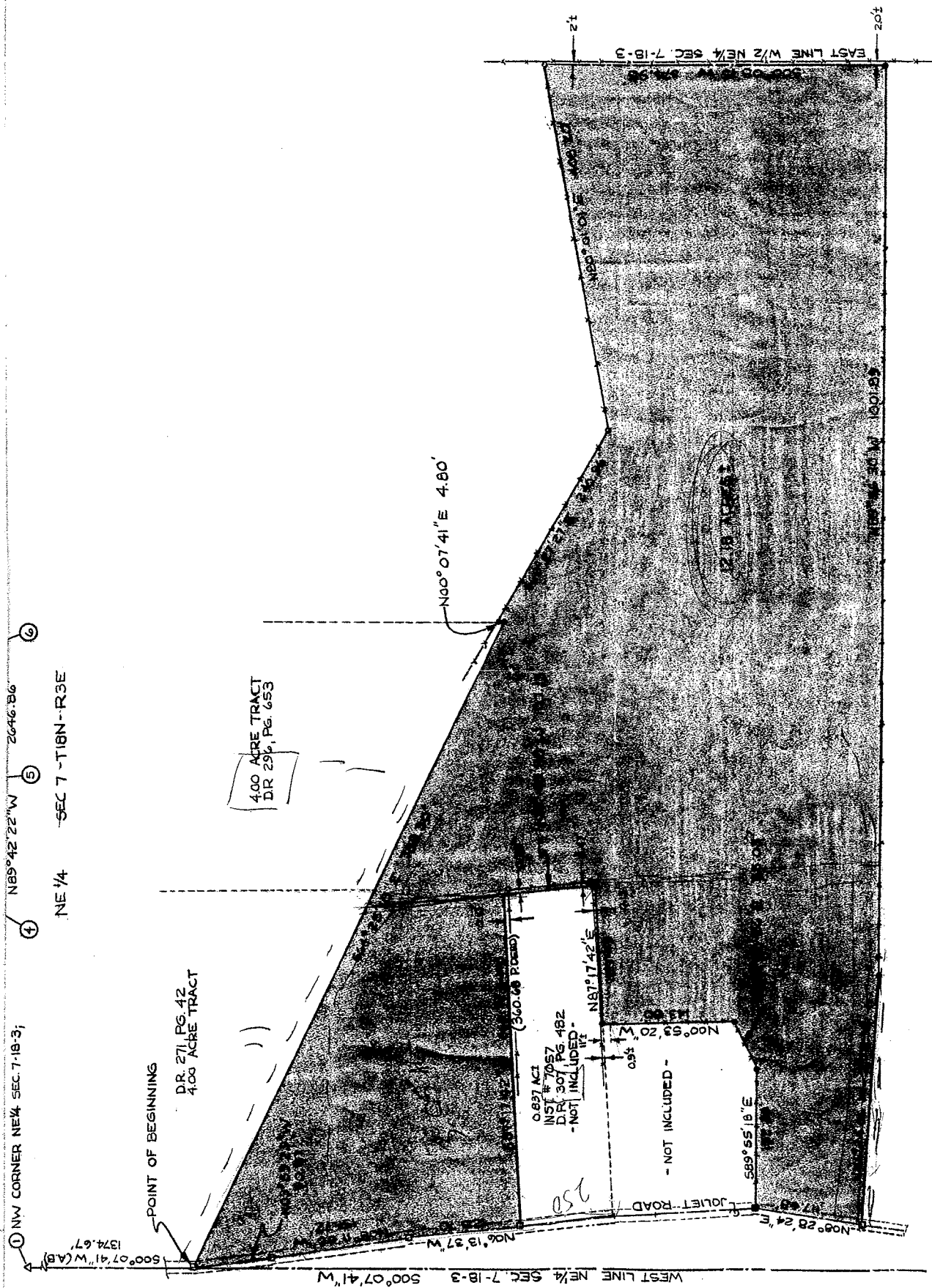
Mr & Mrs Orville O. Viles
16199 Joliet Rd
Westfield ,Indiana 46074

Orville O Viles

A handwritten signature in cursive script, reading "Orville O. Viles", written over a horizontal dashed line.

Darlene C Viles

A handwritten signature in cursive script, reading "Darlene C. Viles", written over a horizontal dashed line.



Instrument
9709736452

7/13/2010
11:13 AM
HAMILTON COUNTY, INDIANA
2010 JUL 13 PM 11:13
57 13 2010

GRANT OF RIGHT OF WAY

UNDERGROUND EASEMENT

Line BC5 Branch AA Pole # 128E Account # 9565
Twp. 18N Range 3E Sec. 7

The undersigned apply to Boone County Rural Electric Membership Corporation, Lebanon, Indiana, for under-ground electric service under the existing underground electric service policy of the Corporation, which is made a part hereof by reference, at, in, under, across, and through the following described real estate, to wit:

Lot No. _____ in the _____ Subdivision, or a tract of
about 5 acres, situated in the NE quarter of the N/4 quarter of
Sec. 7, in Twp. 18N, Range 3E, in Hamilton County, Indiana.

The Undersigned, upon taking of this application pursuant to the existing underground electric service policy of the Corporation and in consideration of the acceptance of this application and the furnishing of service, hereby give, grant, convey and warrant to the Corporation an easement twenty (20) feet in width for the construction, operation and maintenance of said underground electric service, which easement shall start at the terminal pole, or point of entry onto the property, and extend to a point underground directly below the meter on the property or continue on to serve adjacent properties, the staking and/or original construction of the underground electric service to determine and fix the location thereof without subsequent range. The easement shall be upon the terms and conditions and for the purpose of enabling the Corporation to furnish underground electric service according to and in compliance with the current under-ground electric service policy of the Corporation as the same exists at the time of this application and easement and as the same may be changed from time to time, except that no change shall be made in the location of said easement, and also granted by this document is the right of ingress to and egress from said easement with necessary tools and equipment to do the acts mentioned.

All existing underground wires, pipes, tiles, etc. shall be dug up and exposed by property owner. The Corporation assumes no liability for damage to existing underground facilities that are not exposed and the property owner will hold the Boone County REMC safe from any cost of damage. Shrubs, trees, plantings, fences, decks, or lawns obstructing the Corporation's equipment during installation or maintenance of underground facilities will be the responsibility of the property owner.

The undersigned covenant that he/she/they are the owner(s) of the lands on which this easement is granted and that he/she/they have the legal authority to grant this easement. Should this covenant be violated, the undersigned shall indemnify and hold harmless the Corporation for any liabilities or costs it may incur as a result.

This easement includes the right at any time to enter upon the land, with necessary tools and equipment, to do the acts mentioned.

Reservation of the full use and enjoyment of the land insofar as it shall not interfere with the easements hereby granted is hereby expressly made.

Undersigned acknowledge receipt of a copy of existing underground electric service policy of said Corporation.

There is no Indiana Gross Income Tax due upon the proceeds received from this transfer, no proceeds being received.

The property burdened by this easement is recorded at plat book _____, page _____ or deed book _____, page _____ or instrument number _____ in the office of the Recorder of Hamilton County.

IN WITNESS WHEREOF undersigned have hereunto set their hands and Seals this _____ day of September, 192010.

Sign Charles W. Ritz, III (SEAL) Print Charles W. Ritz, III (SEAL)

Sign Robert C. L. Ritz (SEAL) Print Robert C. L. Ritz (SEAL)
STATE OF INDIANA, COUNTY OF HAMILTON, ss:

Before me, a Notary Public in and for said County and State, personally appeared Charles W. Ritz, III and Robert C. L. Ritz and acknowledge the execution of the above and foregoing application and easement to be their voluntary act and deed.

Witness my hand and Notarial Seal this 2nd day of September, 192010.
Sign Robert C. L. Ritz Print Robert C. L. Ritz

Notary Public

Notary Public

My Commission Expires: 10/1/2011 Notary County Residence Hamilton

This Instrument Prepared by Charles W. Ritz, III, PARR RICHEY OBREMSKEY & MORTON, 1600 Market Tower, Ten West Market Street, Indianapolis, Indiana 46204-2970.